

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:11-CV-162-DSC**

**DANITA PHARR a.k.a. DANITA
JOHNSON,**

Plaintiff,

vs.

DESIGNLINE USA, LLC,

Defendant.

ORDER

THIS MATTER is before the Court on “Plaintiff’s Motion to Compel Defendant to Provide Information Requested in Plaintiff’s Fourth Set of Discovery Requests and Interrogatories ...” (document #30) filed January 25, 2012, and the parties’ associated briefs and exhibits. See documents #30 and 31. Plaintiff has not filed a reply in support of her Motion and the time for filing a reply brief has expired.

The Court’s “Pretrial Order and Case Management Plan” (document #20) provides that:

Counsel are directed to initiate discovery requests and notice or subpoena depositions sufficiently in advance of the discovery completion deadline so as to comply with this Order. Discovery requests that seek responses or schedule depositions after the discovery completion deadline are not enforceable except by order of the Court for good cause shown.

Document #20 at 2. The deadline for completion of discovery was initially set for December 12, 2012. Id. On December 8, 2011, the Court granted the parties’ joint Motion and extended the discovery deadline to January 12, 2012. See “Order” (document #26). The parties were required to serve their discovery requests no later than December 10, 2011 if they were utilizing US mail or

electronic mail. See Fed. R. Civ. P, Rule 6(d) (providing that three additional days are added to the response period if the serving party serves the responding party by US mail or electronic mail).

The Pretrial Order set a maximum of twenty interrogatories per party, a limit that both parties accepted in their joint Rule 26(f) report. See document #17 at 2 and document #20 at 2.

Plaintiff served her Fourth Set of Discovery Requests in an untimely manner on December 12, 2011. Plaintiff's Fourth Set of Discovery Requests consists entirely of interrogatories. She had previously served twenty interrogatories on the Defendant.¹

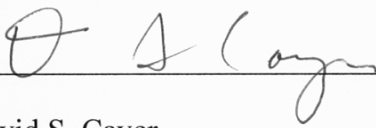
For these reasons, as well as the other reasons stated in Defendant's brief, the Court will deny Plaintiff's Motion to Compel responses to her untimely and excessive Fourth Set of Discovery Requests.

IT IS THEREFORE ORDERED THAT:

1. "Plaintiff's Motion to Compel Defendant to Provide Information Requested in Plaintiff's Fourth Set of Discovery Requests and Interrogatories ..." (document #30) is **DENIED**.
2. The Clerk is directed to send copies of this Order to the pro se Plaintiff; and to defense counsel.

SO ORDERED.

Signed: February 23, 2012



David S. Cayer
United States Magistrate Judge



¹As Defendant points out, it answered each of Plaintiff's first three sets of discovery requests and supplemented those responses four times. These responses also answer several of the requests contained in Plaintiff's Fourth Set of Discovery Requests.